

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

PHILIP KOESTER,

Defendant.

) Criminal No. 3:22-CR-400 (DNH)
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ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon, the United States Attorney for the Northern District of New York hereby dismisses Indictment No. 3:22-CR-00400-DNH against PHILIP KOESTER, the defendant.

The reason(s) for this dismissal are (check one or more):

- ☐ Case transferred to another District
- ☐ Speedy Trial Act
- ☐ Defendant's cooperation
- ☐ Insufficient evidence at this time

- ☒ Other: On January 16, 2024, prior to being sentenced in the above matter, the defendant died by suicide. The date and manner of the defendant's death is noted in the defendant's certificate of death on file with the Commonwealth of Pennsylvania Department of Health. For these reasons, the government moves to dismiss the indictment in this case.

With respect to this dismissal, defendant (check one):

- ☐ Consents
- ☐ Objects
- ☒ Has not been consulted

This dismissal is with prejudice.

Dated: February 2, 2024

CARLA B. FREEDMAN
United States Attorney

By: /s/ Adrian S. LaRochelle
Adrian S. LaRochelle
Assistant United States Attorney
Bar Roll No. 701266

Leave of court is granted for the filing of the foregoing dismissal.

Dated and entered this 7th day of February, 2024.

Utica, N.Y.

David N. Hurd
Hon. David N. Hurd
United States District Judge